

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

ANNE CUTLER, Derivatively on Behalf of,  
WALGREEN CO.,

Plaintiff,

v.

GREGORY D. WASSON, JAMES A.  
SKINNER, WILLIAM C. FOOTE,  
STEFANO PESSINA, ALAN G.  
MCNALLY, NANCY M. SCHLICHTING,  
ALEJANDRO SILVA, STEPHEN A.  
DAVIS, MARK P. FRISSORA, GINGER L.  
GRAHAM, DAVID J. BRAILER,  
DOMINIC P. MURPHY, JANICE M.  
BABIAK, WADE D. MIQUELON, and  
DAVID Y. SCHWARTZ,

Defendants,

– and –

WALGREEN CO., an Illinois corporation,

Nominal Defendant.

Case No. 1:14-cv-10408

Judge Rebecca R. Pallmeyer

**SUGGESTION OF DEATH AND  
STIPULATION AND [PROPOSED]  
ORDER TO SUBSTITUTE PLAINTIFF**

WHEREAS, on December 29, 2014, plaintiff Anne Cutler filed a shareholder derivative complaint (the "Complaint") derivatively on behalf of Walgreen Co. ("Walgreens" or the "Company") alleging violations of state and federal law by certain of the Company's current and former officers and directors (with Walgreens, "Defendants");

WHEREAS, on or about November 4, 2018, Ms. Cutler died;

WHEREAS, Ms. Cutler's son, Corey Cutler, has been appointed as Personal Representative of the Estate of Anne Shirley Cutler;

WHEREAS, plaintiff's counsel has represented that Ms. Cutler owned shares in Walgreens jointly with her son, Mr. Cutler, in a tenancy in common prior to her death; Ms. Cutler's interest

in the Walgreens shares passed to the Estate upon her death, such that the Estate and Mr. Cutler now jointly own the shares in a tenancy in common; and Ms. Cutler and the Estate thus have held an interest in the shares continuously throughout this litigation;

WHEREAS, Corey Cutler as Personal Representative of the Estate of Anne Shirley Cutler is willing and able to substitute in as plaintiff in this derivative action pursuant to Rule 25(a) of the Federal Rules of Civil Procedure;

WHEREAS, Defendants consent to the substitution; and

WHEREAS, the parties submit that this substitution will not delay or otherwise affect the schedule of this action nor is it intended to prejudice any party;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the parties, through their undersigned counsel of record and subject to approval of the Court, as follows:

1. Corey Cutler as Personal Representative of the Estate of Anne Shirley Cutler shall be substituted as plaintiff in this action.
2. The caption for this action shall be updated to reflect Corey Cutler as Personal Representative of the Estate of Anne Shirley Cutler as the named plaintiff.
3. By entering into this Stipulation, the Parties do not waive any rights not specifically addressed herein.

**IT IS SO ORDERED.**

May 31, 2019

DATED: \_\_\_\_\_



\_\_\_\_\_  
HONORABLE REBECCA R. PALLMEYER  
UNITED STATES DISTRICT JUDGE

**IT IS SO STIPULATED:**

**SIDLEY AUSTIN LLP**

s/ James W. Ducayet (with permission)

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s/ Thomas B. Quinn (with permission)

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[proposed] substitute Plaintiff Corey Cutler as  
Personal Representative of the Estate of Anne  
Shirley Cutler*

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*s/ Caz Hashemi (with permission)*

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